

### REMARKS

Claims 1, 3-10, and 12-32 are pending and at issue. In view of the amendments and remarks presented herein, reconsideration and allowance of all pending claims are respectfully requested.

Turning to the Office action, claims 1, 4, 8-10, 12-15, 18, 18, 21, 23, 27 and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,292,321 ("Lee") in view of U.S. Patent No. 5,976,153 ("Fischell"). In response, independent claims 1, 14, 23 and 27 have been amended to traverse this rejection.

More specifically, each of independent claims 1, 14, 23, and 27 are amended herein to recite an inner tube having a tapered distal tip with a proximal edge defining an edge diameter and an outer tube having a distal end defining a distal end diameter, wherein the edge diameter and distal end diameter are equal to or greater than a maximum outer diameter of the stent in an unexpanded form. As a result, the space between the outer tube distal end and the inner tube distal tip proximal edge defines a recess for receiving the stent when unexpanded, thereby protecting the stent during insertion through the vessel. It is not seen that the proposed combination of cited prior art discloses or suggests such a device.

The primary reference to Lee discloses a thermoplastic stent 19 that extends around an exterior of a catheter body 14 distal end. If the catheter body 14 is considered to be the claimed outer tube, then the stent maximum outer diameter, when unexpanded, is greater than the catheter body distal end diameter. Consequently, Lee fails to disclose or suggest the edge diameter and distal end diameter being equal to or greater than a maximum outer diameter of the stent in an unexpanded form, as specified in each independent claim.

The secondary reference to Fischell similarly fails to disclose or suggest this element. As best shown in Figs. 3 and 4, Fischell discloses stenting systems 60, 80 having distal tips 65, 75. The proximal edges of the distal tips 65, 75 have diameters that are smaller than the maximum outer diameter of the stent 40. If the distal tips 65, 75 of Fischell are considered to be the claimed distal tip, then it is evident that the distal tip proximal edge is smaller than the stent diameter, contrary to the claims. Accordingly, Fischell fails to disclose or suggest an edge diameter and distal end diameter that are equal to or greater than a maximum outer diameter of the stent in an unexpanded form, as specified in independent claims 1, 14, 23, and 27.

Still further, none of the tertiary references teaches or suggests an edge diameter and distal end diameter that are equal to or greater than a maximum outer diameter of the stent in an unexpanded form. U.S. Patent No. 6,035,694 ("Kasprzyk") is cited for disclosing a coiled wire as a heating element, U.S. Patent No. 6,579,306 ("Lashinski") is cited for the use of a Nitinol stent, and U.S. Patent No. 6,174,327 ("Mertens") is cited for disclosing a sheath that is removable prior to use of the stent delivery system. Each of these references discloses a stent having a maximum diameter (when unexpanded) that is larger than the distal tip, and therefore fails to disclose or suggest each element of the claims.

In view of the foregoing, each prior art rejection asserted against the claims must be withdrawn.

### **CONCLUSION**


It is submitted that the present application is in good and proper form for allowance. A favorable action on the part of the Examiner is respectfully solicited.

If, in the opinion of the Examiner a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,  
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